IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

THURSDAY, THE 6TH DECEMBER 2007 / 15TH AGRAHAYANA 1929

WP(C).No. 30370 of 2007(M)

PETITIONER:

HOUSING DEVELOPMENT FINANCE CORPORATION LIMITED, H.D.F.C. LIMITED, RAVIPURAM JUNCTION, M.G.ROAD, ERNAKULAM, KOCHI-682 015.

BY ADV. SRI.K.K.CHANDRAN PILLAI

RESPONDENTS:
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1. DISTRICT COLLECTOR, CIVIL LINE, KAKKANAD, KOCHI-682 030.

2. STATE OF KERALA, REPRESENTED BY THE CHIEF SECRETARY, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI. P.N. SANTHOSH

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 06/12/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 30370/2007 M

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE JUDGMENT DT. 1/3/07 IN WPC NO. 2234/2007 OF THIS COURT.

EXT.P2. COPY OF THE NOTICE PUBLISHED IN THE MALAYALA MANORAMA DT. 19/07/07.

EXT.P3. COPY OF THE JUDGMENT OF THIS COURT DT. 14/08/2007 IN WPC NO. 22459/2007.

EXT.P4. COPY OF THE JUDGMENT OF THIS COURT DT. 14/08/07 IN WPC NO. 22459/07.

EXT.P5. COPY OF THE APPLICATION DT. 2/4/2007 FILED BEFORE THE R1.

EXT.P6. COPY OF THE NOTICE DT. 10/11/2006 ISSUED BY CONCORD CREDIT LTD.

EXT.P7. COPY OF THE LAWYERS NOTICE DT. 27/11/2006 AS REPLY TO EXT.P6.

EXT.P8. COPY OF THE LETTER/ORDER DT. 2/07/07 BY THE R1.

EXT.P9. COPY OF THE REMARKS DT. 21/7/07 ISSUED TO THE R1 BY THE LAWYER OF THE PETITIONER.

RESPONDENT'S EXHIBITS - NIL.

True copy

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ANTONY DOMINIC, J.

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W.P.(C) No. 30370 OF 2007 M

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Dated this the 6th December, 2007

J U D G M E N T

The grievance of the petitioner is in relation to Ext. P8 order passed by the 1st respondent. Petitioner submits that Ext. P5 application under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 was filed before the 1st respondent and he has declined to act upon the same. The reasoning for such attitude is that the Munsiff's Court, Ernakulam, in O.S. No. 1730/01 had already passed an order of attachment in respect of the property that is stated to have been mortgaged to the petitioner. In Ext. P8, the 1st respondent had also sought for the remarks of the petitioner and on behalf of the petitioner by Ext. P9 remarks have also been offered. Despite this, since final orders were not passed on Ext. P5 this writ petition was filed complaining of the indifferent attitude of the 1st respondent.

2. Ext. P5 is a statutory application filed under Section 14 of the Act and therefore it is the duty of the 1st respondent to pass orders thereon, as his doubts on the maintainability of the application also stand clarified by Ext. P9. In view of this, I see no reason for the 1st respondent to delay the matter any further.

3. Accordingly, I dispose of this writ petition directing that the 1st respondent shall pass final orders on Ext. P5 as expeditiously as possible, at any rate within four weeks of receipt of a copy of this judgment.

ANTONY DOMINIC
JUDGE

jan/-